

REMARKS

Entry of the foregoing and further and favorable consideration of the subject application are respectfully requested.

As correctly stated in the Official Action, Claims 1-13 and 15-20 are pending in the present application. Claims 1-13 and 15-20 stand rejected.

By the present amendment, Claims 1, 6, and 7 have been amended. Applicants expressly reserve the right to file a continuation or divisional application on any subject matter canceled by way of the present amendment. No new matter has been added.

Request for Interview

Applicants submit herewith a Applicant Initiated Request for Interview with Examiner Robinson and Examiner Rotman to discuss the outstanding 35 U.S.C. § 112 issues remaining in the present application. Should the present Reply & Amendment put the application in condition for allowance, such an interview is of course unnecessary.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Examiner asserts that the phrase "amino acid residue" is indefinite. This rejection is respectfully traversed.

Applicants respectfully submit that the term "amino acid residue" is a term well-known in the art. In support of this, Applicants respectfully submit Exhibits A-F, which

show the use of the term residue. Applicants particularly point the Examiner's attention to Exhibit A, which is an excerpt from the IUPAC Compendium of Chemical Terminology concerning amino acid residues. Thus, Applicants respectfully submit that the meaning of "amino acid residue" is abundantly clear to one skilled in the art. One skilled in the art would readily be able to ascertain whether a particular chemical moiety is an amino acid residue or a residue derived from an amino acid residue. Accordingly, Applicants respectfully submit that the requirements of 35 U.S.C. § 112, second paragraph, are satisfied.

Applicants are unclear as to the meaning of the Examiner's statement, "since only a residue of the claimed amino acids are being claimed..." Should the Examiner insist on maintaining this rejection, Applicants respectfully request that the Examiner clarify this statement in light of the Exhibits submitted by Applicants. Applicants respectfully submit that the Examiner's apparent understanding of the term "residue" is erroneous and contrary to the art-accepted meaning of this term.

Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-13 and 15-20 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled for the recitation of 1) R2 and R3 taken together with the adjacent aromatic ring to form a 5 or 6 member saturated ring optionally substituted with methyl groups and/or optionally interrupted with an oxygen or sulfur atom and R' and R'' taken

together form, with the nitrogen atom, all heterocycle rings, and 2) electron-withdrawing groups such as nitro existing in the ortho position on the arakyl rings.

Applicants respectfully maintain their position that the Examiner has not shown non-enablement as discussed in the previous Reply submitted on November 27, 2002, the content of which is hereby incorporated by reference. Nevertheless, without conceding to the merits of this rejection, and solely in an effort to expedite prosecution, Claims 1, 6, and 7 have been amended and are believed to be in full compliance with 35 U.S.C. § 112, first paragraph. Withdrawal of this rejection is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled for the treatment of all diseases claimed. The Examiner continues to maintain, erroneously, that "[m]any of these diseases are unrelated and require modes of action that cannot be addressed by a pharmaceutical drug." The Examiner also maintains that "cancer or precancerous states, alopecia, cicatrization disorders, stretch marks cannot be prevented with pharmaceutical drugs."

Applicants respectfully submit that the Examiner's analysis of the Wands factor is somewhat confusing because it apparently combines the analysis of the rejection of Claims 1-13 and 15-20 discussed above and the different rejection of Claim 15. These two rejections are distinct - however, this is not reflected in the outstanding Office Action.

Applicants further respectfully submit that they have provided exhaustive evidence concerning the enablement of the presently claimed invention in the previous Replies submitted on November 27, 2002 and January 30, 2003.

Further, in spite of the evidence Applicant has supplied concerning the treatment and prevention of cancer and precancerous states and alopecia with retinoic acid compounds, the Examiner continues to maintain that such conditions are untreatable. This is not supported by the art-accepted publications previously submitted by Applicants. The Examiner also maintains that the "burden is on the applicant to enable the application, not the Examiner." Applicants respectfully submit that they have already done so and have provided scientific publications to support their assertions. The Examiner again states, "It is well known in the art that no pharmaceutical drugs have been found to be able to prevent cancer as well as most other diseases." This statement is flatly contradicted by the scientific publications submitted by Applicants. The Examiner cannot maintain this position without scientifically supporting her assertions and providing clear and convincing evidence that the publications submitted by Applicants are not credible.

Withdrawal of this rejection is respectfully requested.

Conclusions

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

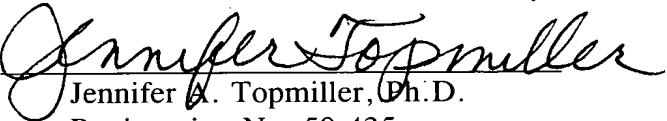
In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By:



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